

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE

**EILEEN MONSERRATE ROSA
SAMUEL VALENTIN VEGA**

DEBTOR(S)

CASE NO. 09-06548-ESL

CHAPTER: 13

MOTION REQUESTING DISMISSAL

TO THE HONORABLE COURT:

Comes now, **RELIABLE FINANCIAL SERVICES, INC.**, holder of a secured claim and Movant herein, through its undersigned counsel, and very respectfully to the Honorable Court, alleges and prays as follows:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle MAZDA 3 2004 registered under number 2985622, executed by debtor(s) on FEBRUARY 13, 2004.

2. Debtor(s) filed the instant bankruptcy petition under Chapter 13 on AUGUST 10, 2009.

3. Debtor(s)' Plan was confirmed on APRIL 29, 2010. Said Plan proposes to pay pre-petition arrears through Chapter 13 Trustee and debtor(s) will maintain regular payment directly to Movant.

4. However, debtor(s) has/have breached the aforementioned Plan's proposals. As of today's date debtor(s) show(s) **THREE(3) post-petition arrears on monthly installments corresponding to the months of December, 2010 through February, 2010 for a total amount of post-petition installments due of \$985.95.**

5. Section 1307 (c)(6) of the Bankruptcy Code (11 USC §1307 (c)(6)) provides for the dismissal of a case under Chapter 13 for "material default by the debtor with respect to a term of a Confirmed Plan."

6. The situation above explained is effectively causing undue prejudice to Movant's rights as a holder of a secured claim.

7. Therefore, according to 11 USC §1307(c)(1) debtor's(s') unreasonable delay which is prejudicial to creditor, is sufficient also cause to warrant the dismissal of debtors' bankruptcy petition.

WHEREFORE, it is respectfully requested from the Honorable Court to order the dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy disposition.

NOTICE TO ALL PARTIES is herein given to the effect that if no opposition is filed within thirty (30) from this notice the Court may enter an Order dismissing the case without further hearing.

CERTIFICATE OF SERVICE

I hereby certify that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **JOSE R. CARRION**, Trustee and **JUAN O. CALDERON LITHGOW**, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) **EILEEN MONSERRATE ROSA, SAMUEL VALENTIN VEGA L-15 CALLE 12 URB VEGA BAJA LAKES VEGA BAJA, PR 00693** and to all non CM/ECF participants interested as per mailing list which is hereby included.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 29 day JULY, 2010.

/S/ CARLOS E. PEREZ PASTRANA
USDC-208913

Attorney for Movant

PO BOX 21382

SAN JUAN, PR 00928-1382

TEL. 787-625-6645 FAX: 787-625-4891

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Label Matrix for local noticing
0104-3
Case 09-06548-ESL13
District of Puerto Rico
Old San Juan
Thu Feb 11 10:37:51 AST 2010

RELIABLE FINANCIAL SERVICES
RELIABLE FINANCIAL SERVICES
PO BOX 21382
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SAN JUAN, PR 00928-1382

CITIBANK
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SAN JUAN, PR 00936

CRIM
LEGAL COUNSEL OFFICES
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SAN JUAN PR 00919-5387

Department of Treasury
Bankruptcy Section (424-B)
PO Box 9024140
San Juan, PR 00902-4140

GE Consumer Finance
For GE Money Bank
dba CAR CARE ONE/GEMB
PO Box 960061
Orlando FL 32896-0061

HOME DEPOT
PROCESSING CENTER
PO BOX 9101
DES MOINES, IA 50368-9101

MUEBLERIAS BERRIOS
APTD0 674
CIDRA, PR 00739-0674

RSHK/CSBSD
Attn.: Centralized Bankruptcy
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KANSAS CITY, MO 64195-0507

SANTANDER FINANCIAL SERVICES D/B/A ISLAND FI
C/O LIGIA RIVERA BUJOSA
PO BOX 7821
PONCE PR 00732-7821

COOP A/C MANATI
ANTONIO I HERNANDEZ SANTIAGO ESQ
PO BOX 8509
SAN JUAN, PR 00910-0509

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

CITIBANK USA
Attn.: Centralized Bankruptcy
PO BOX 20507
KANSAS CITY, MO 64195-0507

DORAL BANK
PO BOX 70308
SAN JUAN, PR 00936-8308

FIA Card Services NA aka Bank of America
by PRA Receivables Management, LLC
PO Box 12907
Norfolk VA 23541-0907

GEMB / HH GREGG
Attention: Bankruptcy
PO BOX 103106
ROSWELL, GA 30076-9106

ISLAND FINANCE, INC.
PO BOX 195369
SAN JUAN, PR 00919-5369

Portfolio Recovery Associates LLC
PO Box 41067
Norfolk, VA 23541-1067

Recovery Management Systems Corporation
For GE Money Bank
dba SAM'S CLUB
25 SE 2nd Ave Ste 1120
Miami FL 33131-1605

SCA/ADV AUTO
1000 MACARTHUR BLDV
MAHWAH, NJ 07430-2035

DORAL BANK
NAYELI DIAZ FEBLES ESQ
PO BOX 70308
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BANK OF AMERICA
Attn: Bankruptcy NC4-105-02-77
PO BOX 26012
GREENSBORO, NC 27420-6012

COOP A/A MANATI
PO BOX 30562
MANATI, PR 00674-8516

DORAL FINANCIAL CORP
PO BOX 13988
SAN JUAN, PR 00908

FIRSTBANK
PO BOX 13817
SAN JUAN, PR 00908-3800

GEMB/WALMART
PO BOX 981400
EL PASO, TX 79998-1400

LCDO. GILBERTO FIGUEROA
PO BOX 1321
MAYAGUEZ, PR 00681-1321

RELIABLE FINANCIAL SERVICES
PO BOX 21382
SAN JUAN, PR 00928-1382

SAMS CLUB
Attention: Bankruptcy Department
PO BOX 103104
ROSWELL, GA 30076-9104

SEARS/CBSD
133200 SMITH RD
CLEVELAND, OH 44130

TD Retail Card Services
c/o Creditors Bankruptcy Service
P O Box 740933
Dallas, TX 75374-0933

WESTERN AUTO
PO BOX 51984
TOA BAJA, PR 00950

EILEEN MONSERRATE ROSA
L 15 CALLE 12
URB VEGA BAJA LAKES
VEGA BAJA, PR 00693-3830

JOSE RAMON CARRION MORALES
PO BOX 9023884
SAN JUAN, PR 00902-3884

JUAN O CALDERON LITHGOW
JUAN O CALDERON LITHGOW LEGAL OFFIC
PO BOX 1710
VEGA BAJA, PR 00694-1710

MONSITA LECAROS ARIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

SAMUEL VALENTIN VEGA
L 15 CALLE 12
URB VEGA BAJA LAKES
VEGA BAJA, PR 00693-3830

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)PRA RECEIVABLE MANAGEMENT
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, VA 23542

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Bypassed recipients	1
Total	37

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**EILEEN MONSERRATE ROSA
SAMUEL VALENTIN VEGA**

DEBTOR(S)

CASE NO 09-06548-ESL

CHAPTER 13

**MOTION SUBMITTING DECLARATION
UNDER PENALTY OF PERJURY**

Comes now, RELIABLE FINANCIAL SERVICES, holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **HILDARIS B. BURGOS MURIEL**, Bankruptcy Official for RELIABLE FINANCIAL SERVICES, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 28 day of JULY, 2010.

S/HILDARIS B. BURGOS MURIEL
Bankruptcy Official
P. O. Box 21382
San Juan, PR 00928-1382
Tel. (787)625-6647 FAX:(787)625-4891
hburgosm@reliablefinancial.com

Department of Defense Manpower Data Center

Jul-28-2010 12:15:00



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
VALENTIN	SAMUEL	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

A handwritten signature in black ink that reads "Mary M. Snavely-Dixon".

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:8E4256L1NI

Department of Defense Manpower Data Center

Jul-28-2010 12:17:10



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
MONSERRATE	EILEEN	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

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Department of Defense - Manpower Data Center
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Arlington, VA 22209-2593

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